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**RESPONSE TO EPA'S 104(E) FIRST REQUEST FOR INFORMATION  
ASH GROVE CEMENT COMPANY  
PORTLAND HARBOR SUPERFUND SITE**

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**Prepared by:**

**ASH GROVE CEMENT COMPANY**  
P.O. Box 25900  
Overland Park, KS 66210  
(913) 451-8900

**HELLER EHRMAN LLP**  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104  
(206) 389 - 6130

**TRINITY CONSULTANTS**  
20819 72<sup>nd</sup> Avenue South  
Suite 610  
Kent, WA 98032  
(253) 867-5600

May 2008

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## **1. GENERAL OBJECTIONS TO EPA'S 104(E) INFORMATION REQUEST**

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1. Ash Grove Cement Company (Ash Grove) objects to the questions posed in this request to the extent that information and documents sought do not relate and are not reasonably relevant to the site and that the questions are therefore not in accordance with law.
2. Ash Grove objects to the questions to the extent that their breadth causes the provision of the requested information and documents to be unduly burdensome.
3. Ash Grove objects to Definition No. 1 to the extent it seeks to define "you" or "Respondent" to include entities or persons other than Ash Grove and may seek to require Ash Grove to respond with regard to information, documents, or records that are not within Ash Grove's possession, custody, and control.
4. Ash Grove objects to Definition No. 4 to the extent it requires Ash Grove to provide information that raises privacy concerns regarding, for example but not limited to, social security numbers and health information. Per EPA's instructions, Ash Grove will provide only the names of people identified and agrees to supply additional information upon request.
5. Ash Grove objects to Instruction No. 5 to the extent it requires Ash Grove to identify all persons and documents relied upon in the preparation of responses to the Request for Information. The actual responses in this document were drafted by Ash Grove's technical consultant Maren Seibold, with input from Ash Grove outside counsel Leslie Nellermeoe, together with a number of Ash Grove personnel. Ash Grove staff, counsel and consultants reviewed thousands of documents in preparation for responding to the information request. It is too burdensome to maintain a record of every document and person consulted for the preparation of each response. To the extent EPA requests it to do so, and to the extent possible to do so, Ash Grove will update its responses with a list of documents and personnel relied upon.
6. Ash Grove objects to the definition of "material" or "materials" in Definition No. 8 as vague, ambiguous, and overly broad.
7. Ash Grove objects to the phrases "otherwise has an affiliation with" and "otherwise had an affiliation" in Definition No. 10 as vague and ambiguous.
8. Ash Grove objects to the definition of "waste" or "wastes" in Definition No. 11 as vague, ambiguous, and overly broad.

## **2. GENERAL ASSUMPTIONS USED IN PREPARATION OF RESPONSES**

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The following general assumptions were used throughout the preparation of Ash Grove Cement Company's (Ash Grove's) response to EPA's CERCLA Section 104(e) information request:

1. Without waiving any objection to Definition 1, and after consideration of correspondence from Ms. Lori Houck-Cora on April 8, 2008, Ash Grove has answered all questions assuming that "Respondent," "you" and "your operations" refer to Ash Grove Cement and its operations and do not refer to any prior owners or operators of the properties Ash Grove owns within the Investigation Area. Ash Grove located various documents prepared by or on behalf of prior owners of the properties located at 3737 N. Port Center Way, Portland, OR 97217 (Terminal.) Ash Grove intends to provide those responsive documents to EPA with a future submittal, but specifically makes no representation with regard to the completeness or accuracy of those documents.
2. Individuals developing this response have used their best professional judgment in interpreting the intention of each question included in EPA's information request and preparing an appropriate response.
3. Some of the questions request only descriptions of facilities or actions. For those questions, Ash Grove has not identified nor provided documents upon which it relied to answer the questions, pursuant to guidance provided by Ms. Elizabeth McKenna by telephone to Leslie Nellermoe on April 15, 2008. To the extent EPA requests it to do so, and to the extent possible to do so, Ash Grove will update its responses with a list of documents and personnel relied upon.

Many of the specific questions posed in the information request required Ash Grove to make additional assumptions. Those item-specific assumptions precede answers provided below. Note that item-specific assumptions are provided only for those questions for which Ash Grove is providing a response in this submission. Additional item-specific assumptions will accompany subsequent submissions in response to EPA's information request.

### **3. FIRST SET OF ANSWERS TO EPA'S 104(E) REQUEST FOR INFORMATION**

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The following sections of this document provide responses to many of the questions included in EPA's January 18, 2008 information request. The specific language of each of EPA's item numbers is included in **bold** font for reference, and is followed by Ash Grove's corresponding response. Relevant item-specific assumptions are also detailed as part of each response.

**1. Provide the full legal, registered name and mailing address of Respondent.**

Ash Grove Cement Company  
P.O. Box 25900  
Overland Park, KS 66225

Ash Grove Cement Company is a Delaware corporation.

**2. For each person answering these questions on behalf of Respondent, provide:**

- a. full name;**
- b. title;**
- c. business address; and**
- d. business telephone number, electronic mail address and FAX machine number.**

Overland Park, KS Home Office:

*Physical Address:*

11011 Cody  
Overland Park, KS 66210

*Mailing Address:*

P.O. Box 25900  
Overland Park, KS 66225

Office: (913) 451-8900  
FAX: (913) 451 - 8324

Francis L. Streitman, Vice President – Mfg. Services and Environmental Affairs

[fran.streitman@ashgrove.com]

Curtis Lesslie, Director of Environmental Affairs

[curtis.lesslie@ashgrove.com]

Robert Vantuyl, Corporate Environmental Manager

[bob.vantuyl@ashgrove.com]

Eileen Flink, Vice President and General Counsel

[eileen.flink@ashgrove.com]

Gary Church, Assistant General Counsel

[gary.church@ashgrove.com]

Bob Dabler, Risk Manager

[bob.dabler@ashgrove.com]

Rivergate Plant:

*Physical & Mailing Address:*

13939 N. Rivergate Blvd.  
Portland, OR 97203

Office: (503) 286-1677

FAX: (503) 289-2272

Gary Wright, Portland Operations Manager  
Glenn Dollar, Safety & Environmental Manager

[gary.wright@ashgrove.com]

[glenn.dollar@ashgrove.com]

Portland Cement Terminal:

*Physical & Mailing Address:*

3737 N. Port Center Way  
Portland, OR 97217

Office: (503) 285-4621

FAX: (503) 286-4987

John Hone, Import Terminal Manager

[john.hone@ashgrove.com]

Western Region Office:

*Physical Address:*

5 Centerpointe Dr., Suite 350  
Lake Oswego, OR 97035

*Mailing Address:*

P.O. Box 240  
Lake Oswego, OR 97207

Office: (503) 207-2100

FAX: (503) 620-3491

Kenneth J. Rone, V.P. Mfg. Services- Western Div.

[ken.rone@ashgrove.com]

Michael J. Hrizuk, V.P. – Mfg.

[mike.hrizuk@ashgrove.com]

Hans E. Steuch, Technical Director – Western Div.

[hans.steuch@ashgrove.com]

Paul D. Livesay, Controller

[paul.livesay@ashgrove.com]

David H. Baker, V.P.- Sales

[dave.baker@ashgrove.com]

- 3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number and, if available, electronic mail address.**



Eileen Flink, Vice President and General Counsel  
Ash Grove Cement Company  
11011 Cody St.  
P.O. Box 25900  
Overland Park, KS 66225

(913) 319 – 6005  
Fax: (913) 451 – 8324  
[eileen.flink@ashgrove.com](mailto:eileen.flink@ashgrove.com)

With copies to:

Leslie Nellermoe  
Heller Ehrman LLP  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104

(206) 389 – 6130  
Fax: (206) 515 – 8985  
[Leslie.Nellermoe@hellerehrman.com](mailto:Leslie.Nellermoe@hellerehrman.com)

- 4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937 – Present). Please note that this question includes any aquatic lands owned or leased by Respondent.**

Item No. 4 requests the identification of Property; however, the term “identify” with respect to a Property is not defined in EPA’s 104(e) request. The term “identify,” is defined with respect to a natural person in Definition 4; with respect to a corporation, partnership, business trust, or other entity in Definition 5; and with respect to a document in Definition 6. Therefore, Ash Grove, relying on its professional judgment, provides the following information regarding facilities, easements, and leases:

- With respect to a facility, the term “identify” has been interpreted to mean the street address of the Property, as well as the approximate location of the Property on the Willamette River.
- With respect to an easement, the term “identify” has been interpreted to mean the corporation from which the easement has been obtained.
- With respect to an aquatic lands lease, the term “identify” has been interpreted to mean the lease number and the general terms of the lease.

Item No. 4 requests the identification of any aquatic lands owned or leased by the Respondent. Ash Grove’s response is limited to those aquatic lands within the Investigation Area described in EPA’s Request for Information (RFI).

Item No. 4 also requests the identification of each and every Property with which the Respondent is or has been otherwise affiliated. In EPA's April 8, 2008 response to suggestions for the 104(e) information request (specifically, the response to Item No. 4), Ms. Lori Houck-Cora of EPA states that "the question pertains to properties that the Respondent may have an affiliation with or relationship with, not another person or company." As such, Ash Grove interprets affiliations to include those relationships to properties which are granted through deed, easement, lease, or other such valid legal agreement.

The following properties are identified in response to Item No. 4:

- Rivergate Facility: Ash Grove Cement Company (Ash Grove) owns property in the Rivergate Industrial Park in Portland, Oregon located at 13939 Rivergate Rd., Portland, OR 97203. Ash Grove's property is located on the east shore of the Willamette River, at River Mile 2.8. This property was acquired in 1963.
- Terminal Facility: Ash Grove owns property at 3737 N. Port Center Way, Portland, Oregon 97217. This property, consisting of a North Terminal and a South Terminal, is located on the east shore of the Willamette River, north of the Fremont Bridge between mile markers 10.1 and 10.5. The South Terminal was acquired in 1992 and the North Terminal was acquired in 2006.<sup>1</sup>
- Unocal Easements: Ash Grove has two easements on Simplot Property (previously Unocal property) in the Rivergate Industrial Park in Portland, OR. These easements are held jointly with Oregon Steel Mills. Details regarding the locations of these easements are provided in the response to Item No. 13.
- Rivergate Leased Aquatic Land: Ash Grove leased aquatic land near the Rivergate Facility under the State of Oregon Division of State Lands Submerged and Submersible Land Lease ML-743 from April 1, 1989 to March 31, 2009.
- Terminal Leased Aquatic Land: Ash Grove leases aquatic land near the Terminal Facility under the State of Oregon Division of State Lands Submerged and Submersible Land Lease ML-10587, issued on January 23, 2006.<sup>2</sup>
- Union Pacific Easement: Ash Grove has an easement on Union Pacific Railroad Company property. Details regarding the location of this easement are provided in the response to Item No. 13.

**9. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.**

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<sup>1</sup> The North and South Terminals are collectively referred to as "Terminal."

<sup>2</sup> This aquatic land lease replaced the State of Oregon Division of State Lands Submerged and Submersible Land Lease ML-885 issued to Columbia Aluminum Corporation on April 24, 1992.

Item No. 9 contains the phrase “at the time you acquired or operated the Property.” Ash Grove has interpreted this phrase to mean “at the time you *initially* acquired or *began operation at* the Property.” Therefore, Ash Grove assumes that the request characterized by Item No. 9 pertains to Ash Grove’s knowledge of Property contamination immediately prior to Ash Grove’s acquisition of the Property or Ash Grove’s commencement of operations.

Ash Grove’s present-day Portland distribution terminal was acquired in two separate phases. These property acquisitions are referred to as the North Terminal and South Terminal. Accordingly, the North Terminal and South Terminal are addressed separately in the following sections:

#### North Terminal:

Ash Grove purchased the North Terminal site from NSC Smelter LLC D/B/A Columbia Gorge Aluminum Company (CGAC) in 2006. At the time of the purchase, the following information was known to Ash Grove:

- The North Terminal site was used by CGAC for the transfer of alumina from ocean-going ships to railcars. In the process of transferring alumina, trace amounts of alumina may settle on the soil from fugitive air. Additionally, a small accumulation of alumina on the soil surface between storage silos had been observed in a 1993 site assessment.
- A 1993 site assessment noted a 1939 aerial photograph of the site that appeared to indicate that fill material had been placed on the site. The assessment speculated that the fill material may have been sediment dredged from the river bottom.
- A 2000 site assessment noted from a review of a 1957 aerial photograph that fill material had been placed at the facility to facilitate site development.
- Four 1,000-gallon underground storage tanks (USTs), three diesel and one gasoline, had been present at the North Terminal property. Two of the USTs were removed in 1982, while the other two USTs were removed in 1989. Interviews with individuals who worked at the facility reported no evidence of leaks or contamination during the tank excavations.
- On December 27, 1991, a ship (the Tai Chung) docked at the facility property spilled approximately 8,000 gallons of bunker C fuel oil. The response effort was able to recover most of the spilled fuel.
- The adjacent UPRR property had continuously served as a railroad switching yard since approximately 1880. The UPRR site (though not necessarily the portion of UPRR property purchased by Ash Grove) had a long history of documented spills of oil, pesticide, and paint waste materials recorded since 1972. A 1990 site assessment of the adjacent South Terminal property conducted for Ash Grove includes the following speculation: “it seems very likely that spills similar to those listed above may have occurred from time to time prior to 1972.”

Prior to Ash Grove’s purchase of the North Terminal from CGAC in 2006, Ash Grove had a Phase I Environmental Site Assessment prepared by Maul Foster & Alongi, Inc. (MFA) of

Vancouver, Washington. The scope of MFA's review included (1) a review of regulatory agency records (contracted with Environmental Data Resources (EDR) of Milford, Connecticut); (2) a review of historical land use records; (3) a site reconnaissance visit; (4) interviews with relevant CGAC staff; and (5) preparation of a report. Additionally, the site assessment relied on information from three prior site assessments (1993, 1995, and 2000) conducted on behalf of CGAC.

#### South Terminal:

Ash Grove purchased the South Terminal site from UPRR in 1992. At the time of the purchase, the following information was known to Ash Grove:

- The prior use of the South Terminal site was for a sand and gravel operation. Irregular topography of the site indicated several large excavation areas with deposits of sand and gravel.
- Several thousand cubic yards of dump debris, consisting of household garbage, lawn and shrub cuttings, tires, furniture, carpets, soil, excess asphaltic concrete mix, foundry sand, crushed stone, rocks, and construction rubble (asphaltic concrete, concrete, and brick) had been placed on the site.
- The presence of dump debris (sand and crushed stone) and hydrocarbon contamination of soils at the site was noted during a June 12, 1990 site reconnaissance visit.
- Creosoted piling supports were present beneath the surface from structures that were located at the site prior to 1936.
- The adjacent UPRR property had continuously served as a railroad switching yard since approximately 1880. The UPRR site (though not necessarily the portion of UPRR property purchased by Ash Grove) had a long history of documented spills of oil, pesticide, and paint waste materials recorded since 1972. A 1990 site assessment of this property conducted for Ash Grove includes the following speculation: "it seems very likely that spills similar to those listed above may have occurred from time to time prior to 1972."

Prior to Ash Grove's purchase of the South Terminal site from UPRR in 1992, Ash Grove had an environmental site assessment prepared by Northwest Geological Services, Inc. (NGS) of Portland, Oregon on June 15, 1990. The review discussed the presence of dump debris, irregular topography and uncontrolled fills on the site, spills on adjacent property, hydrocarbon contamination, previous facility foundations, and creosoted pilings.

#### Rivergate Facility:

Ash Grove has not identified any information in its files related to investigations or knowledge of disposal activities at the Rivergate property at the time that property was acquired. It should be noted that, to Ash Grove's knowledge, the Rivergate property was undeveloped prior to Ash Grove's acquisition of the property from the Port of Portland in April of 1963.

**13. Provide the following information about each Property identified in response to Question 4:**

Item No. 13 requests that Ash Grove "provide the following information about each Property." It is unclear as to precisely what information EPA is requesting for each subpart.

- In subparts b and c of Item No. 13, the location of underground utilities and underground pipelines are requested. Ash Grove has elected to provide site maps which clearly identify the requested information.
- In subparts d through g of Item No. 13, surface structures, over-water structures, dry wells, and treatment and control devices are requested. In this case, Ash Grove has interpreted the language "provide the following information" to ask for a listing of requested items in general terms.

**a. Property boundaries, including a written legal description;**

- Rivergate Facility:

- i. Current tax lot: 97126-0190 (formerly no. R325200)

- ii. Legal description: Beginning at a point in Government lot 6, Section 27, Township 2 North, Range 1 West, Willamette Meridian, which point is the Northeast Corner of that certain tract of land conveyed by S. I. Ogden and Ellie Ogden, his wife, to T. A. Ketchum and F. C. Knapp, by deed recorded September 20, 1908, in book 435, Page 125 deed records of Multnomah County, which point is marked by a 3 inch steel pipe and brass cap;

Thence continuing due East 322.59 feet to the line between Sections 26 and 27, of sold township, from which point the corner between Sections 26, 27, 34, and 35 bears South 0° 06' 16" West 543.0 feet and the ¼ feet;

Continuing thence due East 1203.96 feet to a 3 inch steel pipe and brass cap from which point the South ¼ corner of Section 26 bears North 35° 08' 23" East 2545.24 feet;

Continuing thence due North 707.92 feet to a 3 inch steel pipe and brass cap;

Thence due West 1202.05 feet to the line between sections 26 and 27 from which point the West ¼ corner of Section 26 bears North 0° 06' 16" East 1374.54 feet;

Then continuing due West 478.07 feet to a 3 inch steel pipe and brass cap;

Thence due West 190 feet more or less to the ordinary low water line of the Willamette River;

Thence Southerly along the low water line 70 feet more or less to a point due West of the point of the beginning;

Thence due East 124 feet more or less to a 3 inch steel pipe and brass cap;

Thence continuing due East 165.72 feet to the point of beginning.

iii. Property boundaries of the Rivergate facility are outlined in Appendix B.

- Terminal Facility:

- i. South Terminal:

- Lot/Block/Addition: Parcel 1 Flat 1922-164
    - Current tax lot: R649729800 (formerly tax lot numbers R237733 and R237739)<sup>3</sup>
    - NE Quarter, Section 28, Township 1 North, Range 1 East
    - Site Size: 6.94 acres total

- ii. North Terminal:

- Current tax lot: R94120770 (formerly tax lot numbers R316000, R316011, R316051, and R316054)<sup>4</sup>
    - Section 21, Township 1 North, Range 1 East
    - Site Size: 7.7 acres

iii. Property boundaries for the Terminal facility are outlined in Appendix A.

- Unocal Easements:

- i. Easement A: Said easement being 100 feet in width, lying 50 feet on each side of the following described center line:

Beginning at the southwesterly corner of Section 26, Township 2 North, Range 1 West, of the Willamette Meridian in the County of Multnomah, State of Oregon,

Thence east 1205.42 feet to the east line of Ash Grove Cement West, Inc., extended as recorded in Book 2161, page 237 of the Multnomah County Deed Records;

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<sup>3</sup> The tax lot is identified as Tax Lots 2, 25, and 31 on tax map 2628 in a Joint Permit application submitted to the U.S. Army Corps of Engineers and the Oregon Division of State Lands in 1992.

<sup>4</sup> The tax lot is identified as tax lots 33, 77, and parts of 75 in a 1979 City of Portland Report and Decision of the Hearings Officer concerning proposed dredging to be conducted by a prior owner of North Terminal.

Thence north 1675.09 feet to the southern line of Oregon Steel Mills, a division of Gilmore Steel Corporation, as recorded in Book 586, page 1355 of the Multnomah County Book of Records;

Thence along a 75 degrees 45'-20" curve to the left having a radius of 358.10 feet a distance of 473.47 feet;

Thence north 8 degrees 23'-12" east a distance of 220.00 feet to the True Point of Beginning;

Thence north 88 degrees 20'-00" west a distance of 201.38 feet more or less to the Harbor Line of the Willamette River.

- ii. Easement B: Said easement being 20 feet in width, lying 10 feet on each side of the following described center line:

Beginning at the southwesterly corner of Section 26, Township 2 North, Range 1 West, of the Willamette Meridian in the County of Multnomah, State of Oregon,

Thence north 1343.64 feet, thence west 430.28 feet to a point 943.50 feet west of the southeast corner of a parcel belonging to Unocal Chemical Division as recorded in Book 615, page 1400 of the Multnomah County Book of Records, and the True POINT OF BEGINNING;

Thence north 6 degrees 0'-23" east a distance of 430.30 feet;

Thence north 0 degrees 53'-03" west a distance of 244.62 feet;

Thence north 18 degrees 18'-09" east a distance of 332.56 feet to a point on the north line of the Unocal parcel being north 75 degrees 45'-20" west a distance of 745.74 feet from the northeast corner of said parcel.

- Rivergate Leased Aquatic Land: The leased property includes all state-owned submerged land fronting Tax Lot 19, Section 26, Township 2 North, Range 1 West, Willamette Meridian, Multnomah County, Oregon, located within the following described parcel (The term of this lease commenced on April 1, 1989 and will expire on March 31, 2009):

Commencing at a point on the South line of said Tax Lot 19, said point also being on the line of Ordinary High Water; thence riverward perpendicular to the thread of the stream of the line of Ordinary low Water and the TRUE POINT OF BEGINNING; Thence continuing riverward along said perpendicular line 100 feet to a point; thence northerly parallel to said line of Ordinary Low Water 400 feet to a point;

Thence shoreward perpendicular to the thread of the stream 100 feet to a point on said line of Ordinary Low Water;

Thence southerly along said line of Ordinary low Water 400 feet, more or less to the TRUE POINT OF BEGINNING, containing 0.92 acres more or less.

- Terminal Leased Aquatic Land: The leased property includes all submerged lands fronting tax lot 400 in the SW ¼ of Section 21, Township 1 North, Range 1 East, Willamette Meridian (Multnomah County Assessor's Map 1N1E21CD) which lies beneath silo #3 as shown in Exhibit A of the lease. The term of this lease commenced on December 31, 1998 and will expire on November 30, 2018.
- Union Pacific Easement: A parcel of land in the Northeast Quarter of Section 28, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, Oregon being more particularly described as Follows:
  - i. Tract A of Partition Plat 1992-164 as recorded in the Multnomah County Records
  - ii. Parcel 1 and Tract B of Partition Plan 1992-164 as recorded in the Multnomah County Records

**b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);**

Terminal: Drawings showing the location of underground utilities can be found in Appendix C.

Note that the City of Portland combined sewer overflow (CSO) project pipeline, currently under construction, is not shown in the recent facility utility drawings. As such, Exhibit A and B of the Permanent Pipeline Easement between Ash Grove and the City of Portland have been included in Appendix C. These exhibits depict the location of the CSO pipeline.

Rivergate: Drawings showing the location of underground utilities can be found in Appendix D. The utility drawings in Appendix D include both the Rivergate facility and the nearby Unocal easements.

**c. Location of all underground pipelines whether or not owned, controlled or operated by you;**

Terminal: Drawings showing the location of underground pipelines can be found in Appendix C.

Note that the City of Portland combined sewer overflow (CSO) project pipeline, currently under construction, is not shown in the recent facility utility drawings. As such, Exhibit A and B of the Permanent Pipeline Easement between Ash Grove and



the City of Portland have been included in Appendix C. These exhibits depict the location of the CSO pipeline.

Rivergate: Drawings showing the location of underground pipelines can be found in Appendix D. The utility drawings in Appendix D include both the Rivergate facility and the nearby Unocal easements.

**d. Surface structures (e.g., buildings, tanks, pipelines, etc.);**

Terminal: Surface structures at the Terminal facility include the following, as identified in Appendix A. For a listing of over-water structures, see the response to Item No. 13.e.

North Terminal:

- Boat House
- Garden Shed
- Four Rail Car Movers
- Rail Load Out Building
- 7-Bay Garage
- 500 Gallon Diesel Above Ground Storage Tank
- 250 Gallon Used Oil Tank
- Vault
- Administration Building and Shop
- Silo #1
- Silo #2
- Silo #3
- Reclaim System Tower
- Conveyor System

South Terminal:

- Shop
- Offices and Lab
- Truck Wash Facility including a pH adjustment System
- Concrete Silos
- Permitted Pond<sup>5</sup>
- Conveyor System

Rivergate: Surface structures at the Rivergate facility include the following, as identified in Appendix B. For a listing of over-water structures, see the response to Item No. 13.e.

- Conveyor System
- Product Stockpiles
- Settling Basins

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<sup>5</sup> The pond is permitted under the General Water Pollution Control Facilities Permit (1700-B), issued on November 7, 2007.

- 2 Electric Substations
- Parts Room/Lunch Room/Change Room/Lab Building
- Maintenance Shop
- Fuel Oil Storage Containment Structure
- Kiln Department (permanently decommissioned on June 1, 2006), including three calcimatic kilns and a kiln control room
- Hydrator Department, including a hydrator
- Packaged Lime Storage Structure
- Warehouse
- Office Building
- Ag Mill Department , including 4 roller mills
- Three Storage Silos

**e. Over-water structures (e.g., piers, docks, cranes, etc.);**

Terminal: Over-water structures at the Terminal facility include the following, as identified in Appendix A.

North Terminal:

- Ship Unloader and Blower Room
- Dock

South Terminal:

- Barge Moorage Structure

Rivergate: Over-water structures at the Rivergate facility include the following, as identified in Appendix B.

- Limestone Barge Unloading System, including a Clamshell Crane

**f. Dry wells;**

Rivergate: To the best of Ash Grove's current knowledge and based on the records review completed to date, no dry wells were installed nor are any present at the facility.

Terminal: To the best of Ash Grove's current knowledge and based on the records review completed to date, no dry wells were installed nor are any present at the facility.

**g. Treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.);**

The response to Item No. 13.g is provided in Table 1 for the Terminal and Table 2 for Rivergate.

**TABLE 1. POLLUTION CONTROL EQUIPMENT AT THE TERMINAL FACILITY**

Baghouse	Activity
614.BF1	Ship unloading
614.BF2	Conveyor to North storage tanks
614.BF3-5	North storage tanks
611.BF1	Rail car unloading
611.BF2	Rail unloading reclamation
611.BF3	Truck load-out pipe conveyor
621.BF1	Rail car load-out
621.BF2	South terminal storage silos
621.BF3	Truck load

**TABLE 2. POLLUTION CONTROL EQUIPMENT AT THE RIVERGATE FACILITY**

Process	Control Device	Installed
Calcimatic Kilns 1, 2 <sup>6</sup>	WP reverse air baghouse	1963
Calcimatic Kiln 3	Fuller plenum pulse baghouse	1979
Hydrator	Cimprogetti pulse jet baghouse	2001
Roller Mill/Dryer 1-3	Micropul pulse jet baghouse	1986
Roller Mill/Dryer 4	Micropul pulse jet baghouse	1997

**28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).**

The response to Item No. 28 is provided in Table 3 for the Terminal and Table 4 for Rivergate.

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<sup>6</sup> It should be noted that the calcimatic kilns and corresponding pollution control equipment are no longer operational. This equipment is scheduled to be demolished in the near future; however, as of the date of this submission, this equipment is still at Rivergate.

**TABLE 3. BUILDING AND STRUCTURE DESCRIPTIONS AT THE TERMINAL FACILITY**

<b>Building or Structure</b>	<b>Description</b>
<b>NORTH TERMINAL (Ship and Rail)</b>	
Boat House	Provides a docking location for boats.
Garden Shed	Stores landscaping equipment.
Four Rail Car Movers	Vehicles capable of traveling on roads and rail tracks, used to move small numbers of railroad cars.
Rail Load Out Building	Product is loaded onto railcars.
7-Bay Garage	Serves as vehicle storage location.
Vault	Used for stormwater collection and solids removal.
Administration Building and Shop	Shop houses general facility maintenance equipment. Description of administration building not requested.
Silo #1, #2, and #3	Product is stored in silos prior to shipment.
Ship Unloader and Blower Room	Product is unloaded from barges using a pneumatic unloader.
Dock	Provides access to barge unloading operations.
Reclaim System Tower	Controls pneumatic reclaim from soils to railcar loading facility.
Enclosed Conveyor System	Facilitates the unloading, transport, storage, and shipment of cement between the North and South Terminals.
<b>SOUTH TERMINAL (Rail and Truck)</b>	
Shop	Houses general facility maintenance.
Offices and Lab	Product testing is performed in the lab. Description of office not requested.
Truck Wash Facility including a pH adjustment System	Trucks are washed before leaving the facility. The truck wash water is adjusted for pH before being discharged to the permitted pond.
Concrete Silos	Product is stored prior to shipment.
Permitted Pond	Runoff from the truck wash is diverted to the permitted pond for filtration and return to the groundwater system.
Barge Moorage Structure	Product is unloaded from barges.
Enclosed Conveyor System	Facilitates the unloading, transport, storage, and shipment of cement between the North and South Terminals.

**TABLE 4. BUILDING AND STRUCTURE DESCRIPTIONS AT THE RIVERGATE FACILITY**

Building or Structure	Description
Conveyor System	Facilitates the unloading, transport, storage, and shipment of raw material, intermediate product, and product.
Product Stockpiles	Products are stored in stockpiles on the facility property.
Settling Basins	Suspended solids are removed from process water in these structures.
2 Electric Substations	Substations house electrical equipment.
Parts Room/Lunch Room/Change Room/Lab Building	Product quality tests are conducted in the lab.
Maintenance Shop	Houses general facility maintenance.
Fuel Oil Storage Containment Structure	Fuel oil was historically stored in two oil tanks located in a containment area equipped with spill pads.
Kiln Department (permanently decommissioned on June 1, 2006), including three calcimatic kilns and a kiln control room	The kiln structure will be demolished in the near future. Before the kilns were decommissioned in 2006, limestone was heated to produce calcium oxide (i.e., quicklime).
Hydrator Department, including a hydrator	In the hydrator, quicklime is mixed with water to form calcium hydroxide or hydrated lime. The hydrator is equipped with sizing and pulverizing equipment that classifies the material to a fine powder.
Packaged Lime Storage Structure	Packaged lime is stored in this structure prior to shipment.
Warehouse	Products are stored in this structure prior to shipment.
Office Building	Description not requested.
Limestone Barge Unloading System, including a Clamshell Crane	Raw materials, including limestone and dolomitic rock, are unloaded from barges at the facility's dock.
Ag Mill Department, including 4 roller mills	In this department, roller mills are used to pulverize limestone and dolomitic rock to fine powder. Each mill is equipped with a burner to flash dry the material as it is pulverized. Each mill is also equipped with sizing equipment to classify material to a desired fineness.
Three Storage Silos	Products are stored in these structures prior to shipment.

**29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.**

Terminal: A process flow diagram of the Terminal facility can be found in Appendix E.

Rivergate: A process flow diagram of the Rivergate facility can be found in Appendix F.

**30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:**

Item No. 30 requests a "brief description of the nature of Respondent's operations at each location on each Property..." The term "location" is not defined in the information request

and it is unclear as to what EPA intends by the phrase "each location." Therefore, Ash Grove has interpreted this question to request a "brief description of the nature of Respondent's operations at each Property."

**a. The date such operations commenced and concluded; and**

Terminal: The South Terminal property was purchased in 1992. Following construction of the Terminal, the facility became operational in December 1995. The North Terminal was purchased in 2005. The existing facilities were upgraded and the first ship arrived at the North Terminal unloading dock in April 2007.

Rivergate: The property was purchased in 1963 and the facility was constructed and operational by 1964. Operation has been continuous since 1964, although operations have been modified substantially.

**b. The types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.**

Terminal: Material is unloaded from ships and railcars, transferred to storage silos then loaded out to trucks and railcars. The North Terminal consists of ship unloading, conveyors to the storage elevator and silos, and a railcar load-out point. The South Terminal consists of a railcar and truck loadout facility, storage elevator, and truck load-out point. The two sides are connected by a fully enclosed pipe conveyor.

Rivergate: The facility is a lime manufacturing plant. The process includes raw material handling and sizing of limestone and dolomitic rock; hydrating lime to produce calcium hydroxide; and using roller mills/dryers to produce agricultural lime. Calcimatic kilns to produce chemical lime are located at the facility but were permanently decommissioned in 2006.

Hydration operations are currently under the control of Graymont Western US, Inc. (Graymont). Graymont began leasing the structures and equipment associated with hydration operations from Ash Grove when the kilns were permanently decommissioned in 2006. Graymont receives rail shipments of chemical lime, the raw material for the hydration process.

**32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.**

Table 5 and Table 6 provide listings of the raw materials used and products produced by the present-day operation of the Terminal and Rivergate facilities, respectively.

**TABLE 5. TERMINAL RAW MATERIALS AND PRODUCTS**

Raw Materials	Products <sup>7</sup>
Portland Cement	Portland Cement
Powdered Alumina <sup>8</sup>	Powdered Alumina

**TABLE 6. RIVERGATE RAW MATERIALS AND PRODUCTS**

Raw Materials	Products
Limestone	Agricultural Lime
Dolomitic Rock	Hydrated Lime (Calcium Hydroxide)
Quicklime	Quicklime <sup>9</sup>

- 44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engaged in, either currently or in the past, related to ship building, retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.**

Ash Grove did not have control of any activities related to ship building, retrofitting, maintenance or repair at either Rivergate or Terminal. Therefore, this question is not applicable to Ash Grove's operations in the Investigation Area.

- 45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.**

Ash Grove did not have control of any activities related to ship building, retrofitting, maintenance or repair at either Rivergate or Terminal. Therefore, this question is not applicable to Ash Grove's operations in the Investigation Area.

- 46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.**

Ash Grove did not have control and has not identified records of any activities related to ship building, retrofitting, maintenance or repair at either Rivergate or Terminal.

<sup>7</sup> As a distribution terminal, the imported material is not physically or chemically altered in any way before off-site shipment. Therefore, the Terminal's raw materials are identical to its products.

<sup>8</sup> Although powdered alumina is not currently delivered to the Terminal, it should be noted that the Terminal is permitted to accept shipments of powdered alumina under Air Contaminant Discharge Permit (ACDP) number 26-0146. No such shipments have been received during the period of Ash Grove's ownership.

<sup>9</sup> Quicklime is offloaded from railcars into storage units. While a portion of the quicklime is transferred to the hydrator system and transformed into hydrated lime, the majority of the quicklime is loaded into trucks for off-site transport without being physically or chemically altered in any way from the material delivered to the facility. Although the Rivergate facility has historically operated calcimatic kilns to produce quicklime from limestone, it should be noted that these units are no longer operational.

- 54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.**

Ash Grove did not have interim status under the RCRA at either Rivergate or Terminal. Therefore, this question is not applicable to Ash Grove's operations in the Investigation Area.

- 55. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.**

Terminal: RCRA Site ID Number ORQ000026246

Rivergate: RCRA Site ID Number ORD027707256

- 56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.**

The response to Item No. 56 is provided in Table 7.

**TABLE 7. FEDERAL OFFICES TO WHICH RESPONDENT SENT OR FILED HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE INFORMATION**

<b>Federal Office</b>	<b>Current Address</b>	<b>Years during which hazardous substance or hazardous waste information was sent/filed</b>
U.S. EPA Region X Waste Management Branch	1200 Sixth Avenue Seattle, WA 98101	1988, 1991

- 57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.**

The response to Item No. 57 is provided in Table 8.



**TABLE 8. STATE OFFICES TO WHICH RESPONDENT SENT OR FILED HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE INFORMATION**

<b>State Office</b>	<b>Current Address</b>	<b>Years during which hazardous substance or hazardous waste information was sent/filed<sup>10</sup></b>
Office of the State Fire Marshal	4760 Portland Rd, NE Suite 26 Salem, OR 97305	1989 – present
Oregon Dept. of Revenue	P.O. Box 14100 Salem, OR 97309	1990 – present
Oregon Dept. of Environmental Quality Accounting Section	811 SW 6th Ave Portland, OR 97204	2006
Oregon Dept. of Environmental Quality Toxics Use/Waste Reduction Assistance Program	811 SW 6th Ave Portland, OR 97204	2002
Oregon Dept. of Human Services Public Health Division Environmental Public Health Radiation Protection Services	800 NE Oregon St. Portland, OR 97232	1994 and prior <sup>11</sup> , 2006 <sup>12</sup>
Oregon Dept. of Environmental Quality Hazardous Waste Program	811 SW 6th Ave Portland, OR 97204	1991 – present

**73. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property? If so, identify:**

- a. What the nature and scope of these investigations will be;**
- b. The contractors or other persons that will undertake these investigations;**
- c. The purpose of the investigations;**
- d. The dates when such investigations will take place and be completed; and**
- e. Where on the Property such investigations will take place.**

Item No. 73 asks whether the Respondent is “planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property.” In EPA’s April 8, 2008 response to suggestions for the 104(e) information request

<sup>10</sup> In cases where documentation seems to be submitted annually for a number of consecutive years, it was assumed that the appropriate submission occurred each year, although documentation was not necessarily located for every single year. Ash Grove has no information to suggest that appropriate submissions were not submitted as required.

<sup>11</sup> Two Cesium-137 sealed source radiation devices were present in one of Rivergate’s calcimatic kilns until 1994 when the devices were properly disposed and the Radioactive Materials License for the devices was terminated. To the best of Ash Grove’s knowledge, these devices were present from the time the kiln was installed in 1978 until their disposal in 1994.

<sup>12</sup> Upon acquiring the North Terminal property, Ash Grove acquired a Cesium-137, 100 millicurie, sealed source radiation device used as a continuous level gauge measurement system. Ash Grove submitted information regarding this device to the appropriate authorities to: (1) transfer the Radioactive Materials License from the prior owner to Ash Grove and subsequently (2) to terminate the license and report that the radioactive device had been properly disposed.

(specifically, the response to Item No. 73, labeled as Item No. 68 in EPA's response), Ms. Lori Houck-Cora states that:

*If Respondents have generally described in a previous answer investigations required to be conducted to comply with state or federal permits, then Respondent for this question need only identify investigations planned in the future for other purposes or reasons.*

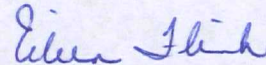
At the time of this submission, Ash Grove and Ash Grove's consultants are not planning to perform any investigations of the soil, water, geology, hydrology, or air quality on or about any of the properties identified in the response to Item No. 4.

#### 4. DECLARATION

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I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on May 16, 2008.



Signature

Eileen Flink

Type or Print Name

Vice President and General Counsel

Title

Mailing Address:

Ash Grove Cement Company  
P.O. Box 25900  
Overland Park, KS 66225

**TERMINAL PROPERTY BOUNDARIES, BUILDINGS AND STRUCTURES**

*Electronic copies of the documents that comprise Appendix A are included on the compact disc submitted in conjunction with this response.*

## **APPENDIX B**

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### **RIVERGATE PROPERTY BOUNDARIES, BUILDINGS AND STRUCTURES**

*Electronic copies of the documents that comprise Appendix B are included on the compact disc submitted in conjunction with this response.*

## APPENDIX C

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### TERMINAL UTILITIES AND PIPELINES

*Electronic copies of the documents that comprise Appendix C are included on the compact disc submitted in conjunction with this response.*

## APPENDIX D

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### RIVERGATE UTILITIES AND PIPELINES

*Electronic copies of the documents that comprise Appendix D are included on the compact disc submitted in conjunction with this response.*

## APPENDIX E

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### TERMINAL PROCESS FLOW DIAGRAM

*Electronic copies of the documents that comprise Appendix E are included on the compact disc submitted in conjunction with this response.*



## APPENDIX F

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### RIVERGATE PROCESS FLOW DIAGRAM

*Electronic copies of the documents that comprise Appendix F are included on the compact disc submitted in conjunction with this response.*

## DECLARATION

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I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on October 24, 2008

*Eileen Flink*

\_\_\_\_\_  
Signature

Eileen Flink

Type or Print Name

Vice President and General Counsel

Title

Mailing Address:

Ash Grove Cement Company  
P.O. Box 25900  
Overland Park, KS 66225